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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,011	08/16/2006	Klaus Hassdenteufel	016906-0476	2494
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FOLEY AND LARDNER LLP			EXAMINER	
SUITE 500			DUONG, THO V	
3000 K STREET NW				
WASHINGTON, DC 20007			ART UNIT	PAPER NUMBER
			3744	
			MAIL DATE	DELIVERY MODE
			12/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,011

Applicant(s)

HASSDENTEUFEL ET AL.

Examiner

Tho v. Duong

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 21 and 26 is/are rejected.
- 7) ☒ Claim(s) 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's amendment filed 10/3/07 is acknowledged. Claims 1-9 and 21-26 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 1 is objected to because of the following informalities: it appears that "het" at line 2 is a typographical error of "heat". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the longitudinal side faces" in line 2. There is insufficient antecedent basis for this limitation in the claim. It is not clear which longitudinal side faces that applicant is referring to since applicant described in claim 1 two type of longitudinal side surfaces "a two opposing longitudinal side faces" and "a longitudinal side face that forms one end surface".

Claims 6-9 are further rejected as can be best understood by the examiner in which “the longitudinal side faces” read on both type of longitudinal side faces.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5-8,21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Rawley et al. (GB 2373571A). Rawley discloses (figures 1-6 and figure A as shown bellow) a heat exchanger module as claimed. Rawley further discloses (figure 1) the header tanks comprises necks (inlet and outlet connections)and the module supports comprises cutouts which surround the necks; and the module supports comprises fastning openings (42) on their upper end faces. Regarding claim 6 and 26, Rawley discloses (figures 1-2) the longitudinal side faces of the header tanks project beyond the recessed end walls forming a latching surface or stop surface on the longitudinal wall of the header tank so that the hook arrangements engage with the latching surface or stop surface. Regarding claim 7, the method of forming the device is not germane to the issue of the patentability of the device itself. “Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the

claim is unpatentable even though the prior product was made by a different process.” In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). In this instant case, the heat resilient snap hook engaging with the stop face in the product-by-process claim is the same as or obvious from the resilient snap hook engaging with the stop faces of Rawlye, the claim is unpatentable even though the prior product was made by a different process.

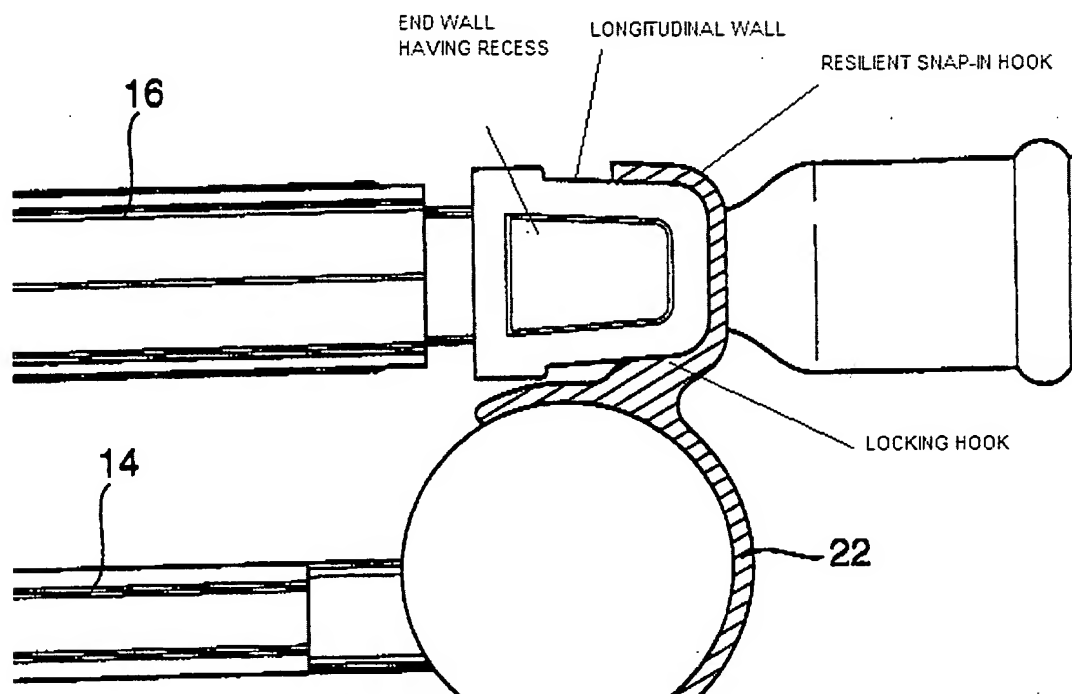


Figure A: The modified figure corresponds to figure 5 with limitations shown.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rawley in view of Laveran Jean Louis (FR 2833691). Rawley substantially discloses all of applicant's claimed invention as discussed above except for the limitation that the module supports comprise fastening pins on their lower end faces and fastening means on their longitudinal faces for receiving additional part. Laveran discloses (figures 2-3) pins (11a) can also formed on lower end faces of the module supports (9) for a purpose of mounting the heat exchanger assembly on a vehicle. Laveran also discloses fastening means (14a,14b) formed on longitudinal faces of the module supports for a purpose of fastening additional parts to heat supports. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Laveran's teaching in Rawley's device for a purpose of mounting the heat exchanger assembly on a vehicle and fastening additional parts to the heat supports.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rawley in view of Uchikawa et al. (US 2002/0023735A1). Rawley substantially discloses all of applicant's claimed invention as discussed above except for the limitation of the heat exchanger block brazed to a condenser. Uchikawa discloses (figure 1 and paragraph 34) that a heat exchanger assembly that has multiple heat exchanger cores, wherein the heat exchanger cores are brazed together for a purpose of effectively securing them together. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use Uchikawa's teaching in Rawley's heat exchanger for a purpose of effectively securing the heat exchanger cores together.

Allowable Subject Matter

Claims 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tyler J. Cheryl can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tho v Duong
Primary Examiner
Art Unit 3744



TD
December 21, 2007